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10 UNITED STATES DISTRICT COURT
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12 NORTHERN DISTRICT OF CALIFORNIA
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14 KEVIN MORRIS and GLENN R.
15 SEMOW, on behalf of Themselves and
16 All Others, Simalarly Situated,
17

Plaintiffs,

v.

BMW OF NORTH AMERICA, LLC

Defendants.

) CASE NO. CV 07-2827 WHA
)) Hon. William H. Alsup
))
))
)) **STIPULATION GRANTING**
)) **LEAVE TO FILE FIRST**
)) **AMENDED COMPLAINT &**
)) **TAKING DEFENDANT'S**
)) **PENDING MOTION TO DISMISS**
)) **OFF-CALENDAR**

18 Action Filed: May 31, 2007
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20 IT IS HEREBY STIPULATED by and between Plaintiffs KEVIN MORRIS
21 and GLENN R. SEMOW, ("Plaintiffs"), through their counsel of record and
22 Defendant BMW OF NORTH AMERICA, LLC ("BMW") through its counsel of
23 record, as follows:
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Whereas, defendant BMW has pending a motion to dismiss the complaint pursuant to F.R.Civ Proc 12(b)(6), the hearing on which is presently set for hearing on August 30, 2007;

Whereas, plaintiffs wish to have leave to file their First Amended Complaint;

Wherefore, IT IS HEREBY STIPULATED that the pending motion to dismiss may be taken off-calendar without prejudice; that plaintiffs may have leave to file their First Amended Complaint provided they do so by August 31, 2007; and that defendant BMW shall have 20 days to answer or otherwise plead in response to the First Amended Complaint.

DATED: August 8, 2007

LEWIS BRISBOIS BISGAARD & SMITH
LLP

By /s/Jon P. Kardassakis

Roy M. Brisbois

Jon P. Kardassakis

Attorneys for Defendant

BMW OF NORTH AMERICA, LLC

DATED: August 8, 2007

KEMNITZER, ANDERSON, BARRON,
OGILVIE, & BREWER LLP

By /s/ Mark F Anderson

Mark F. Anderson

Attorneys for Plaintiffs

KEVIN MORRIS and

GLENN R. SEMOW